(45)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.3849 of 2006

PETITIONER : Abdul Majid, son of Abdul Kadir, aged about 48 years, resident of Nehru Bhavan Road, Supela Bhilai, District Durg, Chhattisgarh.

VERSUS

RESPONDENTS

1. Regional Transport Authority Chhattisgarh, at Raipur
2. Secretary, R.T.A. Raipur, Chhattisgarh
3. M/s Taxi Owner United Transport Company, Raipur, Chhattisgarh

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Present: Shri B.K. Rawat, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for the State.

ORAL ORDER
(Passed on 10th August, 2006)

Quite curiously, the petitioner herein though he has sought a direction to the Regional Transport Authority, Chhattisgarh at Raipur to cancel the permit No. 218/2005 held by M/s Taxi Owners United Transport Company, Raipur, the 3rd respondent herein for the route Durg to Dallirajhara via Gunderdehi, Balod, Kusum and back, in exercise of the powers under Section 86 of the Motor Vehicle Act, 1988, admittedly, no such request is yet made before the Regional Transport Authority. Without making such a request before the Regional Transport Authority and without there being any refusal on the part of the Regional Transport Authority, there is no justification for the petitioner to rush to this Court under Article 226 of the Constitution of India. Hence, the writ petition is dismissed, however, reserving liberty to the petitioner to move appropriate application before the Regional Transport Authority, if he is so advised, and if such application is made, the Regional Transport Authority

shall dispose of the same in accordance with lawn and on merit. No costs.

Sd/-
Chief Justice